



House of Representatives

General Assembly

File No. 320

February Session, 2006

Substitute House Bill No. 5714

House of Representatives, April 3, 2006

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ESTABLISHING A FEE FOR REMOVAL OF CERTAIN TREES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13a-140 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) The commissioner may cut, remove or prune any tree, shrub or
4 other vegetation situated wholly or partially within the limits of any
5 state highway so far as is reasonably necessary for safe and convenient
6 travel thereon. No person, firm or corporation, and no officer, agent or
7 employee of any municipal or other corporation, shall cut, remove or
8 prune any tree, shrub or vegetation situated partially or wholly within
9 the limits of any such highway without first obtaining from said
10 commissioner a written permit therefor, provided however, that
11 nothing contained in this subsection shall limit the rights of public
12 service companies, as defined in section 16-1, as amended, to cut and
13 trim trees and branches and otherwise protect their lines, wires,
14 conduits, cables and other equipment from encroaching vegetation. No

15 such permit shall be issued by the commissioner unless the chief
16 elected official of the municipality in which any tree with a diameter
17 greater than eighteen inches is situated is notified in writing. The
18 notice shall include the location and a description of such tree to be cut
19 or removed. No such permit for the removal of any such tree, shrub or
20 vegetation shall be refused if such removal is necessary for that use of
21 such adjoining land which is of the highest pecuniary value. If such
22 permit is refused on any state highway right-of-way, where the state
23 does not own the right-of-way in fee, the owner of such tree, shrub or
24 vegetation may, within thirty days thereafter, request said
25 commissioner in writing to purchase or condemn an easement for the
26 purpose of maintaining such tree, shrub or vegetation and, if said
27 commissioner does not purchase the same, he shall condemn it, in the
28 manner provided for the condemnation of land for the construction,
29 alteration, extension or widening of state highways. Any payment so
30 made shall be from funds appropriated to the Department of
31 Transportation. Said commissioner may plant, set out and care for
32 trees, shrubs or vegetation within the limits of such highways and, by
33 agreement with the owner of land adjoining such highways, upon
34 such adjoining land. Upon request in writing within thirty days of
35 planting of trees, shrubs or vegetation to delimit boundaries of a
36 highway by an adjoining owner not agreeing thereto, said
37 commissioner shall purchase or condemn an easement for the purpose
38 of maintaining such tree, shrub or vegetation in the manner provided
39 in this subsection. When the removal of such tree, shrub or vegetation
40 is necessary for that use of such adjoining land which is of the highest
41 pecuniary value, said commissioner shall remove the same upon
42 payment to him of all sums paid for said planting and for any such
43 easement with interest at the rate of six per cent per annum. Any
44 person, firm or corporation cutting, removing, damaging or pruning
45 any tree, shrub or vegetation in violation of the provisions of this
46 subsection, whether it was planted by the commissioner or not,
47 without a permit from said commissioner, shall be fined not more than
48 one thousand dollars for each such violation and shall be liable civilly
49 for any damage in an action brought by said commissioner.

50 (b) Notwithstanding the provisions of section 51-164p, any
 51 municipality, by ordinance, may establish a civil penalty of not more
 52 than one thousand dollars, for cutting, removing, damaging or
 53 pruning any tree, shrub or vegetation in violation of the provisions of
 54 subsection (a) of this section, on any scenic road, designated pursuant
 55 to section 13b-31c, located in said municipality. Any such ordinance
 56 shall provide for notice and an opportunity for a hearing prior to the
 57 imposition of any such civil penalty. Any person who is assessed a
 58 civil penalty pursuant to this subsection may appeal therefrom to the
 59 Superior Court.

60 (c) Any person, firm or corporation who receives a permit under
 61 subsection (a) of this section to remove a tree with a diameter of more
 62 than eighteen inches within the limits of a highway designated as a
 63 scenic road under section 13b-31c shall pay to the tree warden of the
 64 municipality a fee of five hundred dollars. Removal of a tree that the
 65 tree warden determines is damaged or diseased shall be exempt from
 66 application of the fee. Any fees collected under this section shall be
 67 used to protect the scenic quality of roads in the municipality,
 68 including, but not limited to, replanting, restoring stone walls and tree
 69 maintenance, with the approval of the budget-making authority of the
 70 municipality.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	13a-140
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Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	See Below	See Below	See Below

Explanation

There is revenue gain to municipalities from permits to remove trees in excess of 18 inches in diameter from scenic roads. The magnitude of the revenue gain cannot be determined as it is unknowable how many trees in excess of 18 inches in diameter located along scenic byways would be removed but is anticipated to be less than \$50,000 annually.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5714*****AN ACT ESTABLISHING A FEE FOR REMOVAL OF CERTAIN TREES.*****SUMMARY:**

This bill requires people who remove certain trees from scenic roads under a Department of Transportation permit to pay a \$500 fee to the town's tree warden. It applies to trees with diameters greater than 18 inches, except those the warden determines are damaged or diseased.

The town must use the fees collected to protect the scenic quality of its scenic roads. It can, with approval of its budget-making authority, replant, restore stone walls, and maintain trees, among other activities.

EFFECTIVE DATE: October 1, 2006

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0 (03/17/2006)